

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Claim Amendments/Status

In this response, claims 38-47 have been cancelled and replaced with a new set of claims 48-57. This claim cancellation moots the rejections under 35 USC § 101 and § 103(a).

The newly presented claims are couched in language which obviates the §101 rejection by making it clear that what is claimed is a method of configuring picture or video data to be broadcast. Support for this claiming is found in at least previously presented claim 45.

A review of the Ellis reference reveals several individual programme makers who upload material for their person channels and enter their programmes into the schedules. In other words, the viewers select what to watch.

With the claimed arrangement the programme is broadcast as per schedule regardless of whether or not it is selected by any particular viewer. As a result the Applicant cannot agree with the examiner's position that "c) selecting as least one of said presentations for broadcast" is present in Ellis. Indeed a complete review of the Ellis reference is such as to reveal nothing about several maker's material finding their way into a single programme. Accordingly, it is submitted that the claims as newly presented are patentable over Ellis and Inselber without any need to debate the merits of the clues.

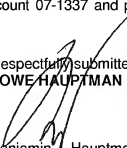
The newly presented claims are such as to recite that data is collected at multiple sites. This is a feature also not present in Ellis.

Conclusion

It is respectfully submitted that the claims as they have been newly presented are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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